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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WILD HORSE EDUCATION, a non-profit
corporation; and LAURA LEIGH,
individually,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
INTERIOR, BUREAU OF LAND
MANAGEMENT, and JON RABY, Nevada
State Director of the Bureau of Land
Management,

Defendants.

CASE NO. 3:23-cv-00372-LRH-CB

**DECLARATION OF LAURA LEIGH IN
SUPPORT OF PLAINTIFFS' SECOND
MOTION FOR A TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

1 I, Laura Leigh, declare and state as follows:

2 1. Plaintiff Wild Horse Education is a national non-profit corporation dedicated to
3 research, journalism, and public education concerning the activities and operations of federal and
4 state management of the free-roaming wild horse and burro populations. I am the Founder and
5 President of Plaintiff Wild Horse Education.

6 2. I have documented and tracked the conditions involving gather operations and
7 population estimates in the Antelope and Triple B Complexes for nearly 14 years.

8 3. In 2017, the BLM conducted an emergency operation in part of the Antelope
9 Complex. To support its emergency removal action, the BLM adopted an Environmental
10 Assessment/Finding of No Significant Impact on December 21, 2017 (the “2017 EA/FONSI”).

11 4. The 2017 EA/FONSI, which covers the Antelope and Triple B complexes,
12 resulted in the adoption of a gather plan that “would allow for an initial gather and follow-up
13 maintenance gathers to be conducted over the next 10 years from the date of the initial gather
14 operation to achieve and maintain appropriate management levels.” FEIS, p. 1 (attached as Exh.
15 A to Lovko Decl.).

16 5. As addressed in Plaintiff’s second cause of action, BLM has abused its discretion
17 and violated the Wild Horses Act by relying on a phased environmental assessment (the 2017
18 EA/FONSI) to conduct multiple gathers in violation of the Wild Horse Act’s immediacy
19 requirement. ECF 58, ¶¶24-25, 40-42, 102-108. BLM’s adoption of a ten year, phased gather is
20 not based on a necessity to plan and execute the action safely and effectively. *Id.*, ¶65.

21 6. The implementation of the gather plan also violates the Wild Horses Act’s
22 requirement that before removing horses from public lands, BLM must (1) determine that an
23 overpopulation exists *and* (2) determine that action is necessary to remove excess animals. 16
24 U.S.C. § 1333(b)(2).

25 7. The Triple B Complex contains 1,632,324 acres and the cumulative AML for the
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1 Complex is 472-889. FEIS, pp.3-4 (attached as Exh. A to Lovko Decl.). At the time the
2 FEIS/FONSI was issued, the population estimate in the Complex was 3,842 horses/foals. *Id.*
3 BLM stated that 3,370 horses would need to be removed to achieve low AML. *Id.*

4 8. The first gather in the Triple B Complex occurred from January 31, 2018 –
5 February 23, 2018. “2018 Triple B Complex Wild Horse Gather” (attached as Exh. B to Lovko
6 Decl.). Thirty horses died during the gather; 1,357 additional horses were removed and shipped
7 from the Complex. *Id.*

8 9. Another gather occurred in the Triple B Complex from July 9, 2019 – July 17,
9 2024. “2019 Triple B Complex Wild Horse Gather” (attached as Exh. C to Lovko Dec.). Sixteen
10 horses died during the gather; 787 additional horses were removed and shipped from the
11 Complex. *Id.*

12 10. Another gather occurred in the Triple B Complex from July 28, 2020 – August
13 22, 2020. “2020 Triple B Maverick-Medicine Emergency Wild Horse Gather” (attached as Exh.
14 D to Lovko Decl.). Nine horses died during the gather; 382 additional horses were removed and
15 shipped from the Complex. *Id.*

16 11. From July 15, 2022 – August 25, 2022, another gather occurred in the Triple B
17 Complex. “2022 Triple B Complex Wild Horse Gather” (attached as Exh. E to Lovko Decl.).
18 Twenty-three horses died during the gather; 1,849 additional horses were removed and shipped
19 from the Complex. *Id.*

20 12. After the first four gathers in the Triple B Complex, 4,562 horses had either been
21 removed from the Complex or died as a result of the gathers. This number is above the 3,370
22 horses identified in the FEIS as being necessary to remove.

23 13. Nevertheless, from August 29, 2024 – September 1, 2024, BLM removed
24 additional horses from the Maverick-Medicine HMA, which is part of the Triple B Complex.
25 “2024 Maverick-Medicine Emergency Wild Horse Gather” (attached as Exh. F to Lovko Decl.).
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1 During this gather, 3 horses died and an additional 106 horses were gathered and shipped from
2 the Complex. *Id.*

3 14. Currently, BLM plans to conduct a fifth gather in the Triple B Complex from
4 November 1, 2024 – December 21, 2024. “FY2025 Tentative Wild Horse and Burro Gather and
5 Fertility Control Schedule as of September 9, 2024” (attached as Exh. G to Lovko Decl.). With
6 this gather, BLM intends to remove and ship an additional 2,255 wild horses from the Complex.
7 *Id.*

8 15. I have spent years visiting wild horses in the Triple B Complex and have
9 established personal knowledge of, and relationships with, individual wild horses in this area. I
10 also have attended numerous gather operations in the Complex.

11 16. The opportunity to possibly view wild horses and burros, or signs of them, in the
12 Complex is of significant interest and value to me and increases my use and enjoyment of
13 Nevada’s public lands. I have specific plans to visit the Triple B Complex in the future for
14 recreational and professional pursuits.

15 17. I have visited the Triple B Complex after each and every removal operation, and I
16 have seen that horse bands and individuals I have tracked for over a decade have completely
17 vanished. They have been taken off-limits to the public facilities. I can no longer see these horses
18 in the wild or captive. The void I feel as a result now replaces the enjoyment of my public lands
19 that I once felt.

20 18. I used to be able to find competing bands, which was an indication of genetic
21 exchange. Now, I see only fragmented single bands in fenced grazing allotments. New mine
22 fences are cutting bands off from traditional foaling and breeding grounds.

23 19. I fear that BLM will continue to remove wild horses from the Triple B Complex
24 without adhering to the Wild Horses Act’s provisions unless this Court restrains future gathers.
25 The November 1, 2024 gather will occur without overpopulation being determined and without
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1 necessity being shown.

2 20. As I have witnessed, to continue to remove horses in excess of that originally
3 designated in the 2017 EA/FONSI will destroy the herd's viability. If BLM moves forward with
4 the next planned gather and removes an additional 2,255 wild horses, I will have experienced the
5 total loss of 6,412 wild horses from the Triple B Complex since 2018.

6 21. Watching the horses in the Complex be decimated to numbers below AML has
7 caused me to feel hopelessness, anger, frustration, and pain.

8 22. I have been documenting herds wild and during capture all over the West for
9 nearly 15 years. In all my years documenting herds in the West and attending roundups, I have
10 never witnessed such a massive hit to a single area's horse population, and the loss I have seen
11 on the range is unprecedented.

12 I declare under penalty of perjury that the foregoing is true and correct to the best of my
13 knowledge, information, and belief.

14 DATED this 10th day of October 2024 in Reno, Nevada.

15 /s/ Laura Leigh
16 Laura Leigh
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